

following Percent of The Minimum Daily Adult Requirement: Calcium 133% Phosphorous 60% Vitamin A 300% Vitamin C 300% Vitamin D 225%," and "Purified Bone Meal \* \* \* Distributed by Nu-Age Products Co. 1926 W. Railroad Street Louporex, Pa. Calcium 33% Phosphorous 15% Ratio Ca/P 2.17 3 grams (approximately one level teaspoonful) daily furnish: Calcium (Ca), 1 gram, approximately  $1\frac{1}{3}$  times the minimum daily requirements of a child or an adult and  $\frac{2}{3}$  that of a pregnant or lactating woman; Phosphorus (P), 450 milligrams, approximately  $\frac{3}{10}$  of the minimum daily requirements of a child or an adult and  $\frac{3}{10}$  that of a pregnant or lactating woman."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in a pamphlet entitled "Bone Phosphate A Supplementary Source of Calcium and Phosphorous," accompanying the articles, were false and misleading. The statements represented and suggested that deficiencies of calcium and phosphorous are prevalent and are primary causes of tooth decay, irritability of the nervous system, tense feeling, jagged nerves, restlessness, sleeplessness, nervousness, tired feeling after shopping, etc., poor teeth, hemorrhages, non-healing wounds, stunted growth, low blood pressure, angina pectoris, facial neuralgia, "migrane" headache, easy dislocation of the hip, swelling of the ankles, boils, psoriasis, faintness, weakness of the lower limbs, night sweats, hoarseness, dropsy, epilepsy, blue lips, blue skin, heart conditions, uterine pains, premature graying of the hair, and contracting of the esophagus; that deficiencies of fluorine and calcium are responsible for prolapsus of the organs, blood tumors, varicose veins, and weakening of ligaments and elastic tissues. permitting ankles to turn; and that calcium, phosphorus, and fluorine, as supplied by the articles, would prevent or remedy such conditions, make for longevity, enable the blood stream to provide normal body functioning, correct and prevent much ill health, protect against premature aging, protect the health of pregnant and nursing mothers, stimulate the reproductive organs of otherwise normal persons, eliminate danger of gangrene after operations, render firmer the walls of the arteries, and furnish the proper constituents to keep the human body in good nutrition. These statements were false and misleading in that deficiencies of calcium and phosphorus are not prevalent and, with or without fluorine, are not primary causes of, or responsible for, the disease conditions stated; and calcium, phosphorus, and fluorine, as contained in the articles, would not fulfill the promises of benefit stated and implied.

**DISPOSITION:** August 26, 1953. The defendant having entered a plea of guilty. the court fined him \$750, plus costs.

**4156. Misbranding of desiccated liver tablets. U. S. v. 5 Bottles, etc. (F. D. C. No. 35228. Sample No. 50203-L.)**

**LIBEL FILED:** May 7, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 5, 1953, by Richards Laboratories, from New York, N. Y.

**PRODUCT:** 5 100-tablet bottles, 4 300-tablet bottles, and 3 500-tablet bottles of *desiccated liver tablets* at Newark, N. J., together with a number of pamphlets entitled "The dramatic story of Desiccated Liver A Wonderful New Protective Food." The label of the article stated that 12 tablets, the amount recommended to be taken each day, would supply 72 grains of desiccated liver, representing  $4\frac{1}{2}$  times as much fresh liver. On this basis, the recommended daily intake represented less than 1 ounce of fresh liver.

**LABEL, IN PART:** (Bottle) "6 gr. Tablets Desiccated Liver N. F. Whole liver, defatted and desiccated. As a natural source of the Vitamin B Complex \* \* \* Directions: \* \* \* 4 tablets, after each meal \* \* \* Each part of the desiccated liver is derived from 4½ parts of whole, raw mammalian liver \* \* \* Twelve tablets (containing 72 grains or 4.6 gms. desiccated liver)."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned pamphlets accompanying the article were false and misleading. The statements represented and suggested that the article, when taken as directed, would prevent fatigue, would be effective for anemia, would prevent cancer, and would effect retention of the original color of hair. The article, when taken as directed, would not prevent fatigue, would not be effective for anemia, would not prevent cancer, and would not effect retention of the original color of the hair.

**DISPOSITION:** June 30, 1953. Default decree of condemnation and destruction.

4157. Misbranding of Tuttle's Family Elexer and Tuttle's Elexer. U. S. v. 43 Cartoned Bottles, etc. (F. D. C. No. 34921. Sample Nos. 44946-L, 44947-L.)

**LABEL FILED:** On or about April 6, 1953, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about November 4, 1952, and January 13, 1953, by the Tuttle's Elixir Co., from Boston, Mass.

**PRODUCT:** 43 cartoned bottles of *Tuttle's Family Elexer* and 107 bottles of *Tuttle's Elexer* at Providence, R. I. A leaflet entitled "What You Should Know About Tuttle's Family Elexer" was enclosed in each carton of *Tuttle's Family Elexer*. A leaflet entitled "Important To All Horse Owners" was enclosed with each bottle of *Tuttle's Elexer*, in which leaflet there appeared an offer of a free copy of a booklet entitled "Veterinary Experience By S. A. Tuttle, V. S.," wherein representations were made regarding *Tuttle's Family Elexer* and *Tuttle's Elexer*.

**LABEL, IN PART:** (Carton and bottle) "Tuttle's Family Elexer \* \* \* For External Use Only 30 Per Cent Alcohol Contents 4 Fluid Ounces Gives Relief From Pain Directions For Use \* \* \* Fabricated from the Following Ingredients: Gum Camphor, U. S. P. Turpentine, Ox Gall, Oil of Wintergreen, Hartshorn, Oil of Hemlock, Distilled Water, Alcohol 30 per cent"; (bottle) "Tuttle's Elexer Special Veterinary Liniment \* \* \* For External Use Only Contains 4½ Net Ounces Fabricated from the following ingredients:—Alcohol 30 per cent, Gum Camphor, U. S. P. Turpentine, Oil of Hemlock, Ox Gall, Ammonia Solution, Distilled Water."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of the diseases and conditions for which the articles were offered in the above-mentioned booklet, as follows: (*Tuttle's Family Elexer*) "For the cure of la grippe, pneumonia, rheumatism, all joint affections, cholera morbus, diarrhea; to afford relief from suffering and torture; to draw all inflammation to the surface; to restore a natural and healthy circulation; to cure sprains, bruises, lame back, stiff neck, sore throat, neuralgia, toothache, poisonous bites, corns, chilblains, bunions, frostbite, burns, caked breasts, cold, asthma, croup, and coughs; to assist in developing and hardening muscles and to prevent them from stiffening; and for warding off chills after exercise" and (*Tuttle's Elexer*) "For simple fractures, bone spavin; to draw all inflammation to the surface; to restore a healthy circulation; for splints, thoroughpin, acne,